

**January 5, 2010**

Good Morning.

Welcome.

It Is Tuesday, January The 5th.

I'd Like To Call To Order The Board Of County Commissioners.

We Will Start With Pastor David Deaton, Life Church.

Pastor, Welcome.

Heavenly Father, We're Grateful For Your Love.

As The Citizens Gather Together We Pray For Your Direction And All The Decision That Is Will Help These People.

Thank You For The Weather.

We Pray For Those That Are Struggling With The Weather In The Interior Of The State And Ask For Your Help.

We Give You Thanks.

Amen.

Amen.

[Pledge Of Allegiance] Next We Will Go On To Our Ceremonial Presentations.

And Commissioner Judah You Have The League Of Women Voters Day? I Do.

I Would Like To Ask Member Toss Step Forward.

If You Have Other Members, Please Step Forward.

We Would Love To Have You Up Front.

It's Great To Have All Of You Here This Morning.

And It's My Pleasure To Read The Resolution.

If You'd Like To Come Up, You're More Than Welcome To Take A Photograph, If That Is Easier.

Believe Me It's Our Honor To Have The Opportunity To Recognize The League Of Women Voters Today.

A League Member Is On The Board, Too.

Chairman Judah: That Would Be Had Commissioner Tammy Hall.

And Frank Mann Was Our First Man Member.

Chairman Judah: Holy Cow.

I'm Feeling A Little Guilty.

But I Am A Strong Supporter.

It Is My Privilege To Read The Resolution.

Whereas The League Of Women Voters Was Founded In 1920 To Promote.

Whereas The League Of Women Voters Represents Men And Women As A Nonpartisan Organization That Promotes Political Responsibility Of Citizens In Government And Influences Public Policy Through Education And Advocacy.

Where It Has A Long Record Of Promoting Voter Registration.

Providing Unbiased Information About Candidates And Whereas The League Of Women Voters Has A Long Record Of Studying And Taking Positions On Selected Issues That Affect Our Committee.

Whereas The League Of Women Voters Of Lee County Has A Long Record About Selected Issues That Affect Our Community And Members Of The League Of Women Voters Be Stand On The Regional Advisory Committee, The Lee County Services Counsel.

The Lee 10-Year Plan To End Homelessness And Climate Change Task Force.

And It Was Recently Honored With The First Place Membership Ward And Celebrating Its 60th Anniversary Of Service To Lee Voters In Lee County.

We Do Hereby Proclaim January 5th, 2010 As League Of Women Voters Day And Urge All Citizens To Vote And Affect Issues That Effect Our Community.

Folks If You Could Please Step Forward.

[Applause] The League Of Women Voters Would Like To Thank You All For This.

This Is Very Nice.

We Will Have Our Celebration At The Carabas In Bonita Springs And We're Hoping You Can Join Us.

It's 1:00 To 3:00 On Sunday, January 10th.

And Mr. Mann Was Our First Male Member.

Thank You.

That Was 30 Years Ago.

[Applause] We Will Ask That A Few Presentations Done.

Recognizing Congressman Martinez.

Commissioner Judah Will You Do The Honors? Thank You, Commissioner.

Members Of The League Of Women Voters.

If We Can Have Congressman Martinez And Garcia And I Believe There's Group Here From The Dominican Republican And Supporters Of League County.

This Is An Honor To Have You Here Congressman.

Fellow Commissioners, You Remember Not Too Long Agatha He Brought A Group Of Emerging Leaders From The Dominican Republican And We Have The Opportunity To Welcome Him To Our Commission Chambers.

They Were Involved In A Number Of Activities Including Working Over At The Ronald Mcdonald House For The -- Gosh, It Was The -- It Wasn't The Guardian Ad Litem, But I'm Finding Difficulty Coming Up With The Organization.

This Is Very Embarrassing -- The Dominican -- The Group -- The Moral Health -- The Organization Takes Care Of People In Their Aging Years That In The Last Few Days Of Life.

Yea, The Best Organization In The World.

My Goodness.

I Will Never Hear The End Of It.

Yes.

In Any Event, Trying To Put Things In Perspective, These Kids Emergent Leaders Of Dominican Republican Gave Back To This Community Along With Learning More About

Southwest Florida.

Congressman Has Been Here On A Number Of Occasions.

Leonardo Himself, The New Emerging Organization Established The Hispanic Business Alliance And Has Worked With The Congressman For A Number Of Years And In His Own Right Has Done Tremendous Work In The New York School Teaching Children How To Speak English And Has Fostered This Incredible Humanitarian Alliance With A Number Of Corporations In The Dominican Republic And Southwest Florida.

The Congressman Has Been Gracious, Has Been A Tremendous Ambassador And This Man Is Presidential Material And It's Not Surprising To See President Martinez Some Day.

The Current President Is Doing A Fabulous Job, Particularly In Enhancing The Business Trade Relations With The United States And The Country Is On The Move.

They've Become A Very Valued Business Partner With The United States And I Think We Are Going To Benefit With The Relationships With The Congressman And With Leonardo And The Business American Alliance With Opportunities For Both The Business People In The Dominican Republic And Those In Southwest Florida.

But It Is A Privilege To Have You Here.

I Would Like To Read The Resolution.

[Reading Resolution] Chairman Judah: Come Forward, Please.

Thank You For Coming.

Happy New Year.

Comm. Judah: If You Come Up Here, We Will Take A Few Photos First.

Good Morning, Commissioners Thank You For This Opportunity To Recognize The Opportunity Between Lee County And The Dominican Republic.

Congressman Martinez Is Presidential Material And I Make Him A Promise When He Becomes President The First Place To Visit Will Be Lee County.

Congressman Martinez? [Speaking Spanish] Good Morning Commissioners.

Interpreter: Good Morning Everyone.

He Would Like To Feel Honored To Have This Recognition And Thank All The Commissioners For This.

It's -- He Wants To Say That The Dominican Republic And United States Has A Good Relationship And 70% Of The Trade In Business Is With The State Of Florida.

And With This Opportunity Today That Lee County Become Strong In This Opportunity.

[Speaking Foreign Language] Interpreter: The First Time The Congressman Visited The United States, The First Place He Came Was Lee County.

Since Then He Has Fall In Love With The County And He Comes At Least Three Times A Year.

There's An Expression That's Says Santiago Heart Beat.

Since Then Lee County Has A Heart Beat In Santiago.

[Speaking Foreign Language] Interpreter: Again, He Wants To Thank You For This Recognition And Wants To Wish You A Wonderful New Year And Have All Good Things Happen To Lee County.

[Applause] Comm. Judah: Thank You, Congressman.

Chairwoman Hall: Thank You For Keeping The International Doors Open Through Your Efforts And Organization's Efforts.

Lee County Is An International County And We Appreciate You Working With Us In Maintaining That.

Thank You.

Thank You Commissioner Judah.

Now A Presentation We've Been Waiting For.

Are We Going To Hear From Amy And Paul? Thank You Both.

Thank You, Paul Wingard.

Yes, We Have A Check To Present To You From The Grant We Submitted For One Of The Energy Projects.

That Includes A Number Of Projects That We Will Do Here In Lee County And We Have Representatives That Did All The Work Putting The Grant Together And Will Provide With More Details, But We Want To Present This Check To You At This Point In Time.

[Applause] Chairwoman Hall: \$3,046,300.

Commissioners, For The Record Amy Davie.

I Would Like To Introduce You To Webber Smith Associates.

Chris, Who Is Our National Service Leader For Carbon Initiative.

Kathy Who Is Our Project Engineer And Cindy Davis Who Is Our Administrative Person.

We Want To Congratulate You And We Also Wanted To Recognize Paul Wingard, Project Manager, And Commissioner Judah That Were Instrumental In Pushing The Process Through And Educating The Federal Government On The Biodiesel Plant.

We Did Want To Give You Some Statistics On The Seven Projects That You Will Implement With This Funding.

This Will Reduce Your Carbon Footprint By 39,000 Metric Tons Annually And Will Reduce Your Energy Use By Over One Million Kilowatt Hours Annually.

This Will Create Over 120 Jobs For The Region.

We Just Want To Congratulate You And We Look Forward To Working With You In The Future.

[Applause] Comm. Judah: Madam Chair, I Can't Thank This Board Enough.

Obviously I Thought The Decision This Board Made To Hire The Company With Our Staff Was A Tremendous Decision And It's Paying Huge Dividends.

Amy Just Touched The Surface And We Appreciate It.

The Department Of Energy And Federal Government In Assisting Counties Throughout The Country.

We Are Appreciative In Lee County.

Thank You Very Much.

Chairwoman Hall: Thank You Commissioner Judah For Taking The Lead Of That.

It's Great Way To Start The New Year.

Paul For Your Team, Thank You Very Much.

Next, We Will Go To The Recap.

We Have One Item On The Recap.

If I Could Have A Motion The Action Requested Approve A Budget Transfer And Resolution In The Amount Of \$250,000.

I Have A Move By Commissioner Janes Second By Commissioner Mann.

Pete, Happy New Year.

I Will Get To You Jim, I See You.

Madam Chair, Commissioners, Happy New Year.

This Is Quite A Way To Start The New Year.

My Congratulations.

Lee County Is Taking The Lead In Being Green.

Even The Dominican Republican A Little Presentation Brought Back Some Memories.

I Came Up From A School Dive In The Dominican Republican And Came Up With No Boat, But They Eventually Found Me.

I Hope 2010 Is Better Than 2009 For All Of Us.

I Hope The Frost Doesn't Wipe Out The Farmers To The East Of Us.

I Hope We Have An Opportunity To Work Cooperatively On A Lot Of Projects.

It Wasn't Many Years Ago That I Rode A Bus All Day And All Night For The Purchase Of Babcock Ranch For Public Ownership And That Didn't Happen.

And Others Have Joined Together To Reserve Acres Of The 90,000 Acre Ranch.

The Proposed Development From All Indications Will Be A Prototype Of Green Sustainable Living.

There's A Perception It Is Out In The Wilderness Some Place.

It's Not.

It's Closer To This Courthouse Or Lehigh Acres, It Is Part To The Railroad That We're Talking About Utilizing For Mass Transit In The Future.

I Would Hope That In The Future We Can Work Together To Try To Make A Wonderful Project Out Of This.

It Is Approved By The Charlotte County Board Of Commissioners, By The Regional Planning Council, By The Water Management District, And It Is Going To Move Forward.

I Would Hope We Can Make It The Best Possible Project Possible.

Thank You.

Chairwoman Hall: Thank You, Pete.

Jim English? I Will Take Your Card, Jim.

Good Morning, Happy New Year.

Good Morning, Happy New Year To You Too.

Chairwoman Hall: Thank You, Sir.

I Appreciate It.

There's Not -- For The Record, I'm Jim English.

Thank You Very Much Madam Chairman.

There's An Item On The Agenda, Item Consent Item Number 14 And I've Been Advised That In The Break Down There's An Item 14a That Calls For The Staff To Approve \$250,000 For Technical Assistance In Helping To Oppose This Babcock Permit Up There.

And I'd Like To Respectfully Request That You Approve That Request.

\$250,000 Is A Lot Of Money, But It's Not As Near Amount Of Money It Will Cost -- This Thing Has Been Approved Now.

The Only Thing That Stands Between It Being A Done Deal Is What The County Is Doing And What Some Of Us Individuals Are Doing.

And You're Going To Have A Surface Water Management Disaster For That Part Of Lee County Lying South Of This And East And Southeast And Southwest.

The Surface Water Management Permit Goes Through And They Will Have All The Technical Assistance They Need.

I Am Sure Of That.

I've Taken Issue With Them Before.

And Ray, I Know That You Know What's Going On Up There.

And The Results Are Not Favorable.

And It's Going To Be Extremely Difficult For Us As Individuals To Fund The Opposition To This Thing If The County Doesn't Do This.

And Again I Respectfully Request That You Do It.

I Would Like To Say This, The Alternative Will Have Disastrous Effects On Lee County And If You Ever Properly Resolve It, If Their Proposal Is Approved, It Will Take Tens If Not Hundreds Of Millions Of Taxpayer's Dollars And Probably Decades To Get The Mess They're Getting Ready To Make Straightened Out.

I Appreciate The Staff's Work On This And I Hope That You All Are Going To Fund It.

Thank You Very Much.

Chairwoman Hall: Thank You, Mr. English.

I Have Another Card.

Is There Anyone From The Public That Would Like To Comment On The Consent Or Administrative Agenda? Seeing No One.

Items To Be Pulled.

Commissioner Mann? None.

Commissioner Janes? None.

Commissioner Bigelow? I Have None.

Can I Have A Motion For The Balance? I Have A Motion By Commissioner Judah, Second By Commissioner Mann.

Any Discussion In The Motion Carries Unanimously.

Commissioner Bigelow Item 8 A.

Comm. Bigelow: Thank You.

This Is The Make Up And Process Of Our Collection Committee.

Chairwoman Hall: Can I Have A Motion? I Have A Motion By Commissioner Judah To Move 8a? Do I Have A Second? I Have A Second.

Any Discussion? Yes, Ma'am.

Yes? All Of This Recent News And Investigation That We've Pursued With Respect To The Project Has Us In A Position That We May Be Looking At An Ordinance To Pre-Qualify Bidders On Projects In The County.

I'm Encouraged Because This Will Require That We Come Up With Qualifications Or Criteria That We Can Rank Or I Guess Judge These Bidders Before They Actually Make Bids.

I Like What I'm Hearing.

I Would Like The County To Consider A Committee Made Up So We Have No Members Serving, Hold A Higher Rank Over Others On The Committee.

If You Follow What I'm Talking About.

But That's I Think A Positive Light On Some Recent Bad News That We've Experienced Recently.

Thank You.

Comm. Judah: If I Can, Madam Chair, The Whole Situation With The Asbestos Problem Is Because We Were Constrained With The Bid Process.

This Has Been Strict On The Way We Move Forward On Projects, And Get The Job Done Without The Problem We've Had With This Low Bid.

I Don't Know If Jim Wants To Comment.

Just For Clarification.

We Do Prequalify Contractors And This Is Sort Of A Classic Example Of Why We Use A Construction Manager Process And Do Things The Way We Do On This Classic Low Bid Situations.

We Sometimes Run Into These Things.

So We Will Have To Deal With Them.

Our Processes Are Fine.

Chairwoman Hall: Thank You, Jim.

I Want To Comment That Even Though We're Restricted To Low Bid, It's The Lowest Reasonable Bid And I Think That The County Attorney's Office And Administration Were Working Closer Together And Communicating Together And These Are Things To Talk About Was We Do Have The Ability To Go Above The Low Bid Assuming There Is A Reasonable Explanation And Benefit To The Taxpayer.

I Think More Communication Will Help Us In That Regard.

We Refer To Our Legal Counsel And Appreciate Legal Counsel To Be Conservative.

At This Point, And I Can Appreciate What Commissioner Bigelow Is Saying, But I Believe The Method They Are Going Through, How They Put The Team Together, I Don't Want You To Restrict That.

I Want You To Review It And Bring Forward Your Best Suggestion.

I Have Not Found In The Five And-A-Half Years That Your Team Make-Up Has Been A Discouragement Or Undue Influence Used In This Process.

Several Of Us Had Opportunities To Sit In On The Process.

They Are Recorded.

You Can Hear The Tapes.

I Think That -- I Can Appreciate Commissioner Bigelow's Maintained His Position On His Opposition, But I Hope This Board Will Continue To Support Karen And Jim's Best Judgment For Us To Come Back And Review It And Not Take One Specific Direction, But Use Your Best Judgment And We Can Discuss It Before We Move Forward For Consensus.

I'll Share That.

Anything Else? Okay.

All Those In Favor? Opposed? The Motion Carries Unanimously.

No, No.

Chairwoman Hall: I'm Sorry, 4-1, Commissioner Bigelow Dissenting.

I Apologize.

Good Morning Madam Chair, Commissioners.

I Have A Detailed Blue Sheet For You That I Put Out This Morning, But To Bring You Up To Date We Have Been Involved In The Water Management District Folks And Representatives Over The Holidays.

I Will Put On The Table Immediately That We Are Working On A Settlement Of This Issue.

The Basis For The Most Part Is Although There Are A Number Of Excellent Things That Have Been Done By The Folks With Respect To Water Surface Management There Are Pieces Missing In The Puzzle And That's What We're Trying To Do Is Get The Pieces Guttled Out And Have The Benefit That Is We Derived From Our 163 Challenge Mesh With The Conceptual Permit Proposed By The Water Management District.

As Any Legal Action Both The Challenge Itself And The Settlement Negotiations Going On Side By Side And Parallel, But In Order To Keep Our Case Proceeding As It Should, We Do Need Funds For Experts That We Will Need To Bring On In Order To Testify If We Do Have The Occasion To Go To A Hearing On That.

We Don't Carry Those Funds In Our Budgets And That's Why We're Before You This Morning To Ask For The Funds.

I'm Asking For Them To Come To Me.

This Is For All Expert Testimony Only Because He Doesn't Have The Depth To Cover The Number Of Issues We Will Have Before Us.

Just Another Comment.

Next Week We Have A Site Visit That Has Been Set Up With The Folks On The Babcock Ranch Property To Be Developed That Will Include Our Experts, Our Technical In-House Folks To Go Out Along With Others And Do A Ground Truthing And Site Visit With Respect To The Property To Make Adjustments If We Do Have To Proceed.

Chairwoman Hall: Thank You.

Questions For David? Commissioner Judah? Comm. Judah: There's A Certain Amount Of Input That I Don't Know If This Has Been Receiving About The Necessity Of Going Forward With Setting Aside The \$250,000.

It's A Legal Challenge And As I Know You've Been Working Diligently To Solve The Outstanding Matters With The Babcock Team.

One Of The Comments Speaks To The Last Sentence Here Of The Blue Sheet Where It Says That Certain Proponents Of The Activity Were Not Consistent With The Settlement Agreement Entered In Last Summer And Then The Comments Were That That's Not True.

That They Have Met The Conditions.

But Obviously Council's Position Is That They Have Not.

That's Why We Have To Set Aside The Dollars If We Have To Pursue Legal Recourse.

That's Correct.

So You Disagree With That Comment That Was Made To My Office That Components Of The Activity Are Not Consistent With The Conditions Of The Settlement Agreement? Yes, Sir.

Comm. Judah: Okay.

Madam Chair, Obviously We Don't Desire Going Into Further Legal Proceedings, But For The Fact That This Is -- This Project Is Like Nothing Else Lee County Has Ever Had Oversight Over.

This Is A Huge Potential Impact To Our Watershed And We Realize That If You Don't Prevent Adverse Impacts To Water Resources, It's More Costly To Have To Retrofit And Correct The Problems.

I Think That's The Position We're Trying To Take Is To Be Proactive To Prevent Problems In The Future That Will Be More Costly To The Taxpayers.

I Don't Relish Continuing This Position, But I Don't Know If We Have Any Other Option Other Than The Fact That We Are Continuing To Try To In Good Faith Discuss Ways In Which To Find Common Ground And I Would Submit That We Would Need To Have This Option Available If In Fact It's Necessary.

I Just Wanted To Hear From The Other Board Members As The Request.

Chairwoman Hall: I Have A Question.

I Read Carefully And I'm Sure I Received Several Of The Same Calls That Commissioner Judah Received, But My Question Here -- Where Is Our Analysis Because Again, I Can Go Through The Volumes And Try To Do That.

You Have Very Specific Things That Are Not Being Met And Asking For \$250,000, So I Have A Couple Of Questions For You.

What -- Where Are We As Far As Our Separation Goes And Is There A Way To Give The Five Of Us That Analysis Of What We Have Agreed To And What We Have Resolved At This Point And What The Outstanding Items.

I'm Not Asking You To Go Through That Today, But I Would Like To Have That So We Can See What Is Left As We Continue Down The Line.

My Second Question Is This Not To Exceed \$250,000 Or Is This The Beginning Of The Dollars We're Going To Go Into Reserves For To Continue This Challenge Because We Could -- If We Don't Settle, I Would Like To Have A Better Understanding And Not Get It Bit By Bit.

I Would Like To Know Our Worst Case Scenario And Is This Our Best Case Scenario? Commissioner, When We Get Into Litigation I Never Bring To You Not To Exceed Numbers.

I Cannot Project Or Bring You What The Total Numbers Are Going To Be.

That's A Budget Number, Commissioner, That's Something We May Not Have To Spend.

The Second Part -- Or The First Question You Had Is The Difference Between Us I Don't Think Is That Great.

It's More One Of Getting The Benefits That We Derived From Our Chapter 163 Challenge, Challenge The Comprehensive Plan Amendments And The D. O. To The Project Back Two Years Ago To Get That To Dovetail With This Proposed Permit.

The Proposed Permit Is The Conceptual Overall Environmental Resource Permit For The Project.

That's Very Important From The Standpoint That We Get The Best Available Numbers And Information That We Could Have Into The Other Derivative Number That Is Will Go Into Constructing The Water Control Structures, The Flow Of Management And Water And All Those Types Of Things.

That's The Easiest And Cleanest Way I Can Explain Without Getting Into A Lot Of Detail.

If You'd Like A Little More Technical Input, Roland Can Give That To You, But I'm Not Encouraged By Going Forward In That Direction In That Point In Time.

We Are Working Hard Because That Difference Is Relatively Small With Respect To The Permit.

Documents Are Being Exchanged With Respect To Verbiage.

We're Talking About A Few Sentences That Will Be Put Into One Of The Special Conditions In The Proposed Permit.

If The Kitson Folks And Us Can Come To Grips With The Compact Verbiage For That Then We're There.

Without That Though I Would Suggest To You And I Think Commissioner Judah Pointed Out That It Will Be Far More Difficult For Us To Take Any Corrective Measures If We Receive Certain Information As A Result Of The Models To Be Run Under The Settlement Agreement After The Permit Has Been Issued And Construction And Operations Begin.

And I Think Again, Commissioner Judah Had A Good Point.

We Are Trying To Take A Pre-Emptive Step Here.

It Would Be Easy For The County To Step Back And Say This Is Fine.

Go Ahead, Develop Your Project.

But Then The Impacts From That That Could Be Impacting The North Part Of The County Between The River And The County, I Think Could Be A Sufficient Magnitude That The Community Would Be Looking At Us And You Would Be Looking To Me Asking David, Why Didn't You Tell Us About This And Why Didn't We Take Steps On The Front Side Rather Than Try To Correct Something On The Tail End.

Chairwoman Hall: I'm Trying To Get To The Point That We Were Looking For Language.

On The Water Issue You Were Asking -- Staff Came In On Public Record And Asked The Language To Be Inserted Into The Permit From The Settlement Agreement.

Is That Where Our Separation Lies Is The District's -- Their Unwillingness To Put Settlement Language In Their Permit? That's One Of My Questions Is That Where We Are Far Apart And The Other Things We're Closer To? No, What You Had Stated Is What The Issue Is.

There Are Commitments That Were Made In Our Settlement Agreement That Need To Be Addressed In The Conceptual Environmental Resource Permit.

Let Me Ask You This.

I Want To Have Some Form Of A Record As We Go Forward With All Of These Things And I Will Support Where We Are Going With This.

Is It Unusual -- It Is Unique To Take A Settlement Agreement And Take Items And Put It Into An Actual Permit Or Does A Settlement Agreement Stand On Its Own For A Permit To Meet The Obligations Of A Settlement Agreement? I Don't Think It's All That Unique, Especially In This Case.

You Feel Strongly -- I Think There's A Difference Of Opinion Of What The Settlement Agreement Means With Respect To Us.

If We Can't Work That Out We're Going To Court To Force It Into The Permit? It's An Administrative Meeting, Yes, Ma'am.

And What Is Your Anticipated Time Frame That Would Take.

My Question Is Are You Going To Say Here We Are, We're Going To Set This Up.

What Is The Time Frame? We Have A Proposed Hearing Date Set For The Middle Of March.

Chairwoman Hall: So If We Can't Settle Before The Middle Of March We Will Go Forward In Court And Once The Court Settles What They Will Do, It Is What It Is? Maybe.

I Can't Give You Hard Lines On This Commissioner.

This Is A Matter In Litigation.

Just Because We Don't Reach An Agreement By March Doesn't Mean All Parties Can't Come Forward And Ask For A Continuance So We Have An Opportunity To Resolve It.

Is The County Going To Pull The Trigger? The Trigger Was Pulled When We Filed The Initial Request For The Administrative Hearing.

Now We're In The Process Of Trying To Find Common Ground And Get It Resolved Before The Both Of Us Go Into A Procedure Like That.

And We're In The Same Position With The Property Owner Not Wanting The Settlement Language In Their Permit.

If You Feel \$250,000 And A Lot Of Experts Will Make That Change Happen, Then I Guess It's Within The Purview Of Taking The Dollars Out Of Reserve To Make It Happen.

I Want To Make Sure The Settlement Agreement Doesn't Stand On Its Own In Which The Property Owner Much Oblige, But I Wanted To Make Sure We Weren't Double Dipping, If You Will, On Costs.

Both Are Interrelated, Commissioner.

The Settlement Agreement Addresses The Conceptual R. P. And In That The Representatives Appreciated What The County's Position Was To Have This Modelling Done To The Fact There Is Verbiage In There That Says They Recognize That Once This Information Is Developed It May Actually Have An Impact On That Conceptual Permit.

And That Information In There Should Be Considered.

That's Where We Are Headed With This.

You Can't Take That Agreement And Say That Just Stands On Its Own.

It Has Nothing To Do With The Permits.

Don't Try To Put It Together.

That Doesn't Work And That's Not The Spirit It Was Put Together And It's Not -- It's In The Verbiage And Not Being Responded To.

The Entire Settlement Agreement Should Be Part Of The Permit.

The Information That Is Going To Be Generated As A Result Of Performance Under The Permit Needs To Be Considered In That Permit.

Yes, Ma'am.

Chairwoman Hall: Okay.

Other Questions? Commissioner Mann? Comm. Mann: Thank You, Madam Chairman And Commissioner Judah I Want To Thank You For Your Comments Because I Know As This Project Is Moved Forward And Moved Forward Without More Than A Little Controversy You've Been Generally Supportive Of The Project And Has Spoken Often To The Care That The Designers Have Taken On Making This A Self-Contained Community Up There With Limited, Never No Impact, But Limited Impact On The Environment Around The Traffic Patterns, That Sort Of Thing.

I've Spoken More Often On The Traffic Consequences As It Relates To The Eastern Part Of Lee County That Is My District Over There.

I Remain Concerned About That.

I Have Spoken Less Frequently Regarding The Surface Water Issues Here.

This Is What We're Talking About Here.

But There Are Several Little Creeks Along My District Particularly On North River Road That Will Be The Recipients Of Any Water Shifts That Are Not Carefully Planned And Flooding Is The Obvious Result At Some Point.

I Don't Know If It's 10 Years, Three Years, Next Year.

Next Month.

So I Appreciate Your Point You Were Making About This Does Have A Potential Impact And

We Want To Make Certain It's Done Right.

And I Am Profoundly Grateful For That Sentiment Made Here Today And Not Beating Up On The Water District Or Core Of Engineers, But If We Go Back To 125 Years When Florida Was Moving Millions Of Cubic Yards Of Dirt All Around And We New We Were Doing The Right Thing.

The People At The Time Knew They Were Doing The Right Thing.

We Were Making Florida Good For Agriculture And If You Look At The Hundreds Of Millions Of Dollars Contemplated In These New Settling Ponds Right Here In Hendry County, The Purchase Of U.S. Sugar Or Substantial Portion, We're Talking Hundreds Of Millions Of Dollars And If You Include Part Of The Kissimmee River And All Of The Errors We've Made Because We Didn't Know It.

But If We Go Back And Be Extra, Extra Careful, Perhaps The Billions Of Dollars We're Forced To Pay May Not Have Occurred.

And Perhaps We Can Learn From History.

And This Little We're Setting Aside And Hopefully We Won't Have To Spend It All May Give Us The Double Check That Is So Critically Important So We Don't Have To Find Ourselves Having To Correct And Spend Megabucks.

I'm Grateful For Your Comments On It.

And What Strikes Me As Great Objectivity.

I Thank You For That.

I Just Want You To Know I Support This And I Hope We Don't Have To Spend A Quarter Of A Million.

But This Is Our Last Chance To Get It Right.

I'll Second That Motion.

Chairwoman Hall: We Have A Motion By Commissioner Mann And Second By Commissioner Bigelow.

I Want To Thank You And Your Team We Have In District Four Been Working On Surface Water Management And Understands What The Impacts Are And With The Various Consultants We've Used.

I Feel Like We Have A Better Understanding That We Would Have If We Wouldn't Have Started That Project And I Know The People On The North Side Of The River, That Surface Water Management Affects Both Districts And We're Appreciative Of The Consultant Work That's Been Done To Give Us An Understanding Of What Some Of The Impacts Will Be And The Issues We Have To Deal With.

You've Done A Great Job Collecting Data, Doing The Monitoring We Need To Do And Seeing That.

I Feel If We Go Forward We Have A Basis Of The Challenges.

Without Further Discussion.

All Those In Favor? Opposed? The Motion Carries.

Next We Will Go -- We Have No Walk-Ons So We Will Go On To Commission Items.

Commissioner Mann? Comm. Mann: We Have One.

We Touched On It Before And It Has To Do With The Property We've Read About At Fort Myers Beach Or Talked To People About At The Main Park Down There That Is Going Through A Foreclosure Process Right Now.

That Adjacent To The County Park Was Estimated In Recent Years To Have A Value Of \$30 Million.

The Development Fell Through And The Redevelopment And That Sort Of Thing And It Ended Up In Foreclosure Like So Many Things In Lee County And I've Been Given Figures, And They Could Be Out Of The Air, But I Bet They're Closer To Right Or Not.

That That \$30 Million Value Is Now Closer To \$6 Million.

Certainly Under 10.

My Point Here Is For Us To Have Resources There, We May Not Have An Opportunity To Acquire This Property.

But I've Asked To Review The Technical Issue That Is We're Going To Be Up Against In Dealing With A Foreclosure And She's Assured Me There Are Many And You Have To Be Careful About Moving On This, But What I'm Hoping To Do Is To Get Some Sense Of The Commission Here That Would Allow Us To Continue Looking At This As The Last Opportunity Ever To Get It At A Price That Will Be Unmatched In The Foreseeable Future.

Comm. Judah: Yes, That Is Something We Ought To Pursue.

This Is The Last Opportunity As I See It.

The Location Next To The Fishing Pier And Park Lends Itself Well For Public Access.

I Guess The Only Area I'm Torn And Maybe We Would Perhaps Considering Buying Some Of It, If Not All Of It To Enhance Public Access And Provide Extension Of Public Beach, But Recognizing That The Town Itself Is Looking At Enhancing Its Tax Basin.

So I Want To Make Sure We Coordinate With The Town Council That We Don't Negate The

Possibility Of Future Development That Enhancing The Tax Base Which We Need.

But I Think Some Of It Is Common Ground And This Is A Unique Opportunity.

I Think That Option Needs To Be Out There For Us To Consider To Purchase Some If Not All In Coordination With The Town Council.

I Fully Support Continuing To Explore The Possibility.

If I May, I Am Aware Of The Tax Base And What This Could Mean And It's Already Collapsed From \$30 Million To Who Knows How It Will Be Treated Next Year.

But I Know In A Small Seven-Mile Long City Like That, If You Lose A Big Piece It Could Mean Hundreds Of Thousands Of Dollars And Their Ability To Respond To Some Of Their Challenges.

So I'm Aware Of That.

But You're Reflecting What I'm Feeling Is That This Opportunity Would Never Have Come Along Without The Recession And Gosh, I Hope We Can Have Them Have Our Office Continue To Follow This Closely And Perhaps Establish A Dialogue Between The County Manager's Office And The Mayor Or -- Well, They've Got A City Manager There.

Let -- Keep A Dialogue Going So We Know What We Are Doing To Them Or We Know What Opportunities We May Be Creating For The County As A Recreational Destination Down There.

If Nothing Else A Hundred Parking Spots We Don't Have Available Today.

Which Is Always A Crisis. Those Are My Thoughts And I Don't Know How To -- I Mean, Can You Read Our Minds? Chairwoman Hall: I Don't Think They Have Esp.

They Have To Confront Us In A Specific Direction.

I Have A Problem Looking At The Property Because Whenever We Can Take Water From Property It's A Good Thing, But The County Has Waterfront Property We're Sitting On And Not Moving Forward With Any Development With Assets We Have.

I Wouldn't Want To Put More Parking On The Beach.

We Are Working Very Hard To Alleviate Cars.

If A Property Is Going Into Foreclosure And Nothing Is Happening And It's Beach Front Property There's Never A Disadvantage For The County To Getting That Property Cleaned Up, Getting It Back And Being Able To Provide The Public Access And Then Going Into A Public, Private Partnership Similar Of What Other Municipalities Have Done To Promote The Development So There Could Be A Tax Base.

When The Private Sector Goes On The Leased Land There Is A Tax Trigger That Is Pulled.

I Think If We Can Continue To Have A Dialogue With The Town, They Will Feel Better Of Us Putting It Into Preserve So It Really Equates Down To What Funds Would We Use To Allow Us To Have The Flexibility.

Again, I Don't Have A Problem With Karen Moving Forward And Reporting Back To Us In A Month Or So As To What The Process Is, What The Price Really Is, But I Think There's A Lot Of Details That Have To Be Worked Out Because Just To Buy It Down For More Preserve And Not Allow Any Type Of Access From The Public Standpoint Of Use Ability For The Property That Is Appropriate To Be Used, I Don't See Us Needing To Buy That Kind Of Property For More Parking.

I Don't Mind Us Moving Forward, Looking At It And Communicating To The Town Very Carefully What We're Doing And What Our Hopes Are.

If I Could What Mr. Mann Is Asking From This Board, Can We Get Karen Mcguire? But So You Have A Better Understanding The Direction We Need To Give You So We Can Move Forward With Considering The Option.

For The Record.

Karen Mcguire.

The Indebtedness Owed To The Bank Is In Excess Of \$36 Million.

Whether Or Not You Will Have Anyone Bidding A Figure Other Than The Bank -- Bidding In Its Indebtedness Owed Is A Question Mark We Pretty Much Suspect There Will Not Be A Lot Of Bidders At That Number.

So Where The Foreclosure Falls Out, We Don't Know, But It Would Be Definitely In My Opinion And I Think The Board Feels The Same Way And County Administration Absolutely, That We Do Not Participate In This Foreclosure Process.

We Would Allow The Foreclosure Occur, See Where It Falls Out.

We Don't Have The Time To Put Things Together And Do The Proper Due Diligence On This Property Prior To The Sale That Is Going To Occur Or Scheduled To Occur Next Week.

But To Find Out How The Foreclosure Goes, Find Out, You Know, What Is Available.

I Know They Are Foreclosing On Several Parcels And Follow Through Who Ends Up With The Property And Does It Become An Asset Of The Bank And Can We Talk To The Bank Further Of What They Are Looking For, But That's Basically What We Could Do And Should Do And Absolutely No Way Shape Or Form Would I Recommend We Participate In The Foreclosure Process Next Week.

Comm. Judah: So Following The Foreclosure Action We Could Get Additional Information What Steps We Need To Take After That? Yes, And Under The Direction Of Karen Haas

We Will Follow Through As She Leads Us In Discussions With The Town Of Fort Myers Beach And What Have You.

But It's Something I Think We Should Move Very Cautiously On.

Chairwoman Hall: Is There Any Objection From The Board? Comm. Judah: Second Commissioner Mann's Motion If We Need A Motion.

Chairwoman Hall: I Think We Are Looking For Information That We Would Like You To Pursue That And Keep Us Informed.

Maybe We Could Schedule You For The February Meeting And Give Us An Update? Okay.

I Would Also Ask That We Look At What Sources Of Money We Would Use.

Chairwoman Hall: I Think They Understand That, Too.

If That's Not Understood, Make Sure You Know What Sources Of Dollars Would Be Available.

Comm. Mann: And Can I Ask You Why She's Here? Would It Be Your Guess Under These Circumstances That It's Likely That The Bank That Is Owed A Mortgage Would Likely Be The One That Ends Up With The Property? If That's The Case, Then With Our Normal Purchasing Procedures Where We Need Appraisals, How Does The Next Step Fall Together? Well, Should The Bank And My Thoughts Are That The Bank Will End Up With The Property With Those Kind Of Numbers As They Are Falling Out.

But If The Board Were To Want Us To Go Forward And We Had Some Funding Source Identified I Can Tell You Right Now That We Don't Have A Written Contract.

I Am Expecting Any Day To Receive A Contract That Is Going To Take Up Probably The Next Two Years Of Funding Of The Conservation 20/20 Fund On One Of Our Final 16 Properties.

If It Was Going To Be A Conservation Pursuit.

But The Next Step Would Be Appraisal To Start The Due Diligence And Get Title Work Underway.

That's The Big Concern I Would Have On A Foreclosure Participation.

You're Going Into A Foreclosure As A Bidder You Don't Have Any Insurance -- It's Not Our Responsibility To Do The Title.

I'm Sorry, Commissioner.

Yes, It Is.

It Is The Responsibility Of The County To Make Sure We Take Title To Property Which

Ever Way We Get Good And Clear Title And -- And The Benefit Of The Insurance Goes To The County.

In A Foreclosure Incident You Don't Have Insurance.

I Wish I Was Rich Enough To Buy It Today And Donate It To The County.

I Think We Have A Direction, Madam Chairman.

Thank You Very Much.

Chairwoman Hall: Thank You, Karen.

Anything Else? Commissioner Janes? No Chairwoman Hall: Commissioner Judah? Comm. Judah: I Have A Couple Of Issues, If I Could.

Just For The Benefit We Will Try To Be Quick In Summarizing Initiatives Out There.

We've Got An Issue With The Lee County -- South Lee County Watershed Management Study That I Know Everyone Here Is Familiar With.

It Was An Update To The One Following 1995 Following Tremendous Floods That Occurred In Lee County.

We Had A Consultant Put About 18 Months Of Work Into The Study And With New Information And Hydrology Information That Consultant Was To Complete The Study In Its Final Form.

Unfortunately What Appears To Have Taken Place, That Is Why I Would Ask Phil And Roland To Step Up, To Clarify What Appears To Be A Mudding Of The Waters Here.

In That Now It Looks Like There Will Be Two Separate Studies.

One Completing The South Lee County Watershed Study And The Other A Separate Study To Address Flooding In Bonita Springs, Even Though It's One Watershed And Now It Appears That The Existing Consultant That Did The 18-Month Study Is Being Let Go With The Anticipation Of Hiring A New Consultant.

I Can See Real Problems Here.

One We Ought To Have One Comprehensive Study.

The Parameters Know No Political Boundaries And We Should Continue With The Existing Consultants.

The County's Participating With Financial Assistance On This Study And It's So Critical When We Know The Results Will Have An Impact On Whether Or Not X Number Of Coverts Get Built And I Would Appreciate The Board's Indulgence To Hear From Phil And Roland To Get It Resolved.

We Seem To Be Departing From The Original Intent To Work Comprehensively.

Chairwoman Hall: And I Would Hope That You Would Share With The Public That The City Of Bonita Springs Is Looking At Water Management, Storm Water Management.

They're Not Just Looking -- Their City Is Not Just A Duck Tail On To Or A Separate Study Of What We're Doing.

They're Trying To Duck Tail The Information Into Their Management Plan They're Trying To Accomplish, Too.

I Don't Want Them To Think They're Not Capable Of Their Own Study, But I Understand Where The Public May Not Understand What The Difference Is Or How It's Working.

I Don't Want In Any Way To Insinuate To The City Of Bonita Springs That They Don't Have The Ability Or Should They Pursue A Management Plan.

You Have Details Happening And Outcomes For Surface Water And Storm Water Management That Are Different From What We Are Pursuing And The Timing Is Important.

But I Will Let Phil And Roland Address That.

The Original Intent Was To Look At How Much Water Needed To Pass Under I-75.

It Was The Original Study That Says You Will Pass Additional Water Under I-75 Into The Halfway Creek Area.

That's What We Embarked On Initially To Determine Whether Or Not It Was The Correct Amount Of Water That Needed To Pass Under I-75.

And We Worked With You All And Started Working With That And The Scope Got A Little Bigger And Everything.

And We Ended Up, We Missed Our Time Frame With The O.T.

The O.T. Completed The Work Over There Earlier Than Was Expected.

We Had A Quick Time Frame To Get The Study Update Completed To Determine How Much Water Needed To Go Under I-75.

D.O.T. Completed Quickly.

In The Interim We Worked On The Study That Could Give Us Modelling Information And Agreed We Would Move It Into The Southwest Florida Watershed Update.

In The Last Several Months We've Been Hearing Numerous Complaints About The Study, About The Undue Influence People Have Been Placing On The Outcome Of The Study.

Complaints That The District Was Trying To Influence The Study.

People In The Community Are Trying To Influence, The Consultants Are Influencing It.

Lots Of People Complaining About It.

And So The District Decided We Would Like To Step Back, Bring In Another Consultant To Review All Of The Work That's Been Done.

Take A Look At It.

See If All The Information Is Accurate.

If The Model The Right Model To Utilize.

Incorporate That Into The Study Over There And See Exactly What -- How Much Water Needs To Be Passed Under I-75.

How Much Water If Any At All.

We Never Had An Intention Argali Starting Off To Restart The Entire Watershed Study.

It Was Never Our Intentions.

I Don't Think Its Was The Commission's Intention Either.

We Are Working With Bonita Springs.

They've Asked Us To Update Their Storm Water Management Plan And We Have Given Them Monies To Do So.

It's Not A Study To Look At How Much Money Needs To Move Water Through Bonita Springs, But What They Can Do To Address Water Quality And Storage And Certainly Their Flooding Issues.

We're Not Looking At Trying To Come Up With Two Or Three Different Watershed Studies.

Our Intend Is To Try To Determine How Much Water Needs To Go Under I-75 If Any At All.

To Try To Resolve The Permitting Issue Over There And We're Trying To Resolve Some Of The Flooding Issues.

Comm. Judah: Thank You For Being Available.

I Can Tell You That As You Indicated Madam Chair Lee County Is Not Trying To Insist Or Influence The Decisions By Bonita Springs To Their Own Municipality And They Need To Do What They Feel Is Best For Their Community With Regards To Storm Water Management.

It's Just Intuitively In Recognizing The Amount Of Data And Information Collected Over The Last 18 Months, It Would Make More Sense To Have All The Information Into One Comprehensive Approach Because Water That Falls From The Ground From Rainfall In Estero Makes Its Way Into The Estero River And They Would Prefer To Keep The Same Consultant.

We're That Close Where We Need To Take A Holistic Approach To More Effectively Management Watershed.

And That's The Concern, Phil.

Well, You Know, And We Are Are Concerned That We Come Up With A Study That Is Unbiased, That Everybody Can Take Faith In.

That It's Aboveboard.

It Doesn't Look Like Any One Person Or Community Or Entity Was Trying To Steer It One Way Or The Other, And That Is The Reason For Wanting To Bring In An Additional Consultant Over Here.

Chairwoman Hall: Maybe We Can Hear From Roland.

Maybe Your Thoughts From That Roland And Where You See Concerns Or You See Where We Won't If We Monitor -- Because We Have Dollars Invested In This As Well.

And We Want To Make Sure That We Are -- We Want To Make Sure We're Collaborating With Them And Not Stepping Over Them.

Right.

Roland, For The Record.

It Will Still Remain A Regional Study.

The Additional Tasks We're Adding On Besides The Add On Top Graphical Information Is -- And The Watershed Does Remain In The Base Model.

I Look At Bonita Springs In Doing A More Detailed Site Specific Public Works Activity Where They Are Doing Covert Replacements And Things Like That.

I Look At That As A Subset Of This Regional Effort That Will Continue.

Changing Consultants, I Have Reservations Of That, Too.

It Could Serve As A Good Peer Review.

We've Got A Lot Of Comments About The Work That's Been Done.

This Fellow Or The Group That We Hire Will Do An Unbiased Work Of -- Review Of The Work Completed With Different Storage Options.

Because We Weren't Very Pleased With All The Results.

I Mean, I Even Found A More Open Process In A Water Management Plan Before And It Came To A Point Where It Was Designed By Committee And You End Up Getting Everybody Involved And Nobody Is Happy With The Result.

It Probably Would Have Been Better If We Completed The Study And Then Had A Review.

It Created Animosity Between Some Of The Stakeholders And There's Concern About Some Of The Results.

This Gives Us A Fresh Look At The Model, The Model Results.

Madam Chair, I Appreciate Having Them Both Involved And Using County Dollars.

This Is Better Approach To Take And We Will Incorporate With Bonita Springs And Storm Water Management Modelling That Will Be Done In That Area To Help Ease Any Flooding Problems.

Then I Guess This Is The Way We Will Proceed.

I Know There Are People That Are Skeptical And We Have To Make Sure Everybody Is In The Loop To Provide Accountability.

Chairwoman Hall: I Couldn't Agree With You More.

There's A Lot Of Controversy.

There's A Lot Of People That Have Expressed Deep Concerns And I Appreciate The District Recognizing The Tenacity Of The Issue.

Not Only What We Dealt With Waiting For Peer Review.

We Had A Budget To Have That Done, But On Top Of It What We've Been Trying To Do Is Start Out With How Much Water We Can Move Under I-75.

Waits Designed To Receive More Water, But Nobody Wants More Water.

So We're Trying To Find The Balance In Our Past Planning To What We're Doing With Our Future Developments.

And Because Of The Inclusion That We've Had Everyone, I Think There Has Been Some Push And Pull And When I Looked At And Heard From Various People And Some Of The Conservancy Concerns And I Had The Same -- You Know, Change Is Difficult.

I Like To Have The Person That Started It Finish It.

And Then Go To Peer Review.

I Started Making Calls And I Realized We're At A Point Where The Scope Of Work Is Added On.

It's Not Going Back, But It Would Be Nice To See What We've Done In The Past And Get That Worked Out So We Can Get Some Consensus On The Existing Work And Move Forward With Hopefully What People Will Be Able To Buy Into That The Process Is Fair And Not Micro Managed By Any One Interest Group.

We Have A Number Of Stakeholders Voicing Their Concerns.

Some Saying They Don't Want Change And Some Do Want Change.

We're Damned If We Do And Damned If We Don't.

Let's Move On To Someone That Has No Private Contracts Here In The County That Future Development Would Be Influenced By The Study.

There's All The Issues Around This Consultant That In My Opinion Has Done A Great Job.

I Don't See A Lack Of Quality Of The Work.

I See More Of A Perception And Maybe It's Time To Step Back And Stay Very Vigilant As We Move Forward.

I Have No Doubt The Conservancy And Estero Community Leaders And All Of The Groups Will Be More So.

I Think We Will Have To Dot The I's And Cross The T's As We Move Forward.

Comm. Judah: Phil, Could You Make Sure That All Stakeholders, Whether It's Bonita, Estero Are Given Appropriate Information Future Workshops? Absolutely.

We Will Continue The Open Process.

I Think Everybody Was Happy With That.

I Don't Think I Had Any Real Concerns With That.

I Appreciate The Comments Expressed Here And We Will Continue To Work With You All And Keep The Lines Of Communication Open To The Public.

We Tried That The Last Time As Well And Said Perhaps Maybe Too Much, But We Will Keep Everybody In The Loop And Continue To Have Workshops And Public Involvement In The Process.

Comm. Judah: What Kind Of Time Frame Are You Looking At To Bring The Findings To The

Board? Well, We Need To Get A New Consultant And Get Them On Board.

I Know We've Had Discussions About Possible Choices And I Don't Have A Time Frame For You, But We Will Get Back To You Here As Soon As We Get A Little Further Along With The Selection Process Here.

2010? Absolutely.

Comm. Bigelow: You're Talking About This Is More About Moving Water Or This Updated Study Led To Us The Conclusion It's Not Necessary And We Needed To Recognize That Bonita Spring Is In A Continuous Position.

So Expanding The Scope Of The Study Was Prudent And To Look At This More Comprehensively.

I Don't Understand Why We Need To Change Consultants Here Because They Have Done All The Work.

Now We Have To Pass It Off To Somebody Else That Has To Retool? I'm Not Feeling Comfortable.

I Feel Like I'm Being Asked To Walk Across Quicksand Here And So I Would Like To Suggest That We Further Review The Need That The District Needs To Be Adamant About To Switch.

Peer Review, Okay.

That Can Be Done Any Time.

I Have To Wonder As To Why It Is You Want To Do That.

I Can't Keep Out The Partners And The Ditch And Christmas Time Approval Of The Process That We Had That Permit We Had To Fight.

I'm Just Not Comfortable.

Chairwoman Hall: Okay.

Comm. Bigelow: I'm Hesitant To Go Along With What I Think Maybe The Consensus Is Here And We've Not Heard From The Full Board So I Can't Be Sure Of That.

Chairwoman Hall: Thank You, Phil.

Comm. Judah: One Last Issue If I Could Out Of All Respect And I Appreciate This Suggestion That The Board Agreed Do With The Street Lining With The Various Committees.

We Had So Many Committees Out There And More Adequate In Terms Of Providing The Point Exchange For Request For Information Or Assistance Between Many Of The

Committees And This Board.

So That Is Still Seamless And I Think It's Wonderful The Way Things Worked Out Except For One Area That I Would Request If This Board Would Allow Me To In Addition To My Request To You Madam Chair, That The Board Supporting Me Being The Liaison To The Smart Growth Committee.

It's One Committee I Was Involved In Before.

They're Bringing To Fruition Things That -- Of Substance Of Complete Streets The Board Approved.

They're Working On Massive Energy Policy Right Now That This Board Will Consider.

And If It's Acceptable To You And This Board I Would Like To Voluntarily Ask To Be The Appointed Liaison To The Smart Growth Committee.

Chairwoman Hall: I Guess My Question Is Because Of The Conversation And The Direction That It Was Going In On Whether We Need Add Commissioner To Have A Position As A Liaison.

Any Commissioner Can Attend These Meetings.

So Rather Than Create The Liaison I Would Like To See What Will Shake Out Of Smart Growth.

Many Of The Members Have Spoken To Me About A Different Direction And Go Into A Different -- Sort Of Revamp The Ordinance Of What Their Goals Are And What They're Going To Do And At That Point I Thought We Could Come Forward.

I Would Say Go Forth And Attend Meetings And Bring Forth What We Need To Do.

I Don't Know If We Actually Have -- I Guess I Look To You, Karen.

I Had Four Or Five Of The Smart Growth Committee Members Meet With Me And Share Concerns That Implementation And Things Were Not Occurring And They Would Like To Talk About What Is The Next Phase For Smart Growth? It's No Longer Drafting Positions On What It Means And They Wanted To Define It And Come Forward With Recommendations For Us To Look At.

I Was Hoping That This Year Could Be Laid Out And Determine.

I Don't Have A Problem.

If You Want Me To Say Okay You're The Liaison To Smart Growth, I Think It's Relative.

Do You Have A Comment? Wayne Daltry And I Have Worked Together And In The Last Two Months We Have Been Talking About Bringing The Committee Together And In February Identifying Some Specifics That The Committee Will -- Because Av Heard From

Several Of The Committee Members Also.

Some Specific Objectives That They Want To See Come To Fruition.

One Of Them Is Looking At The Complete Streets And How We're All Going To Collaborate And Work Together On Seeing That Initiative To Fruition So In February We Are Having A Meeting To Set The Purpose, Their Objectives.

Actually It's Not Under -- Correct Me If I'm Wrong, But I Don't Think That The Smart Growth Committee Has Been Established As An Administrative Code.

Does Anyone Know? Chairwoman Hall: I Think It Has An Ordinance.

It's Not An Administrative Code.

So It's Something That Has Evolved But We Need To Get Specifics.

We Need To Get Back In On -- We Have The Documents.

We Have The Segments At Which We Wanted The Smart Growth And Kind Of The Vision Out There.

But What We Need To Do Now Is Take That Vision And Implement.

And That's Where We Are Going With It.

Chairwoman Hall: The Reason I Held Back On The Liaison Is To Allow The Committee With The Facilitator Shake Out What It Is They Are Going To Do And See What They Wanted To Do And I Felt They Needed To Do It Without Any Influence From Any Of Us And Give Them The Opportunity To Gel Together.

Comm. Judah: I Will Be An Innocent Bystander.

Just At The Request Of Several Of Their Members And Karen, Let's Wait On That One.

Comm. Judah: So I Will Wait Until February -- Chairwoman Hall: See If That's Necessary.

Comm. Judah: I Was Suggesting I Might Be Able To Facilitate Matters, Rather Than Influence Matters.

Chairwoman Hall: Participate.

Comm. Judah: So You Have No Problem Of Me Participating In February? Chairwoman Hall: These Are Public Meetings.

Comm. Judah: Okay.

I Just Wanted To Be Up Front With The Board.

The Meetings Are Open, But I Assure You That County Administration Has Taken Smart Growth Very Seriously And I Have Been Attending The Meetings Over The Past Three Or Four Months.

And They Are Excited.

It's A Great Group To Work With.

Chairwoman Hall: Commissioner Bigelow? Comm. Bigelow: I Have To Be Veteran Services Liaison And I Would Like To Let The Board Know That Veteran's Appreciation Day Is This Saturday At The Cape Coral Vfw, 4:00 To 5:00.

That's All I Have.

But I Do Have Another Item I Was Handed This Morning That Was Labelled As A Possible Commissioner Item.

I'm Wondering, Roland, Is Anyone Attending The Three Public Hearings On The Water Quality Standards Where That -- Yes, Sir.

In Fact, I Believe Dave You Sent Out A Notice As Well To The Commissioners.

We Probably Want To Formulate A Formal Response At That Meeting, But We Do Plan On Having Some There.

Chairwoman Hall: I've Asked -- That Came To My Attention And I Asked John With Staff To Formulate What They Want And Anyone That Can Attend They Have Suggested The West Palm Beach Public Hearing.

And I Haven't Brought It Forward Because I Was Working On The Comments And What They Would Be Doing.

So Yes.

We're Working On That.

I Don't Have Anything Other Than To Wish Everyone A Happy New Year.

Looking Forward To A Better Year Than '09.

I Think We Have A Lot Of Amazing Things Going On In The County.

Also Time For Due Diligence.

We Will Have Another Challenging Budget So I Look Forward To Karen And You Team Getting To It Early And Often So We Can Have A Seamless Budget Process And One That We Can Have Good Consensus And Good Direction.

I Appreciate The Effort You've Been Making With The Survey, The Strategic Planning

Sessions.

I Think It's Enlightening For The Public To Have An Understanding Of How The County Operates.

I Want To Thank Our Staff For Tremendous Work Last Year And Get Ready.

You're Working More With Less And We Appreciate The Efforts And I Know The Public Appreciates The Efforts To Be Commended For The Long Hours You Put In And Your Commitment To County Government And These Five Commissioners, But To Your Community.

I Appreciate Each And Every One Of Your Efforts To Your Community.

Everyone Gives In A Different Way And While This Is A Job And We Do Pay You To Do It, It Takes A Lot Of Tenacity To Do What You Do.

We Will Go On To Committee Appointments.

Commissioner Mann? Comm. Mann: None.

Chairwoman Hall: Commissioner Janes? None.

Commissioner Judah? Comm. Judah: [Reading Appointments] Chairwoman Hall: All Those In Favor? It Carries.

[Reading Presentation] Chairwoman Hall: All Those In Favor? Opposed? Motion Carries.

I Look For A Reappointment To Mitch To Local Planning Agency.

Reappointment To Robert Moreau To Street Lighting, Clifford Riley, Reappointment To Susie Valentine, A New Appointment To John Schneider And Reappointment To Richard Katrina To Dawson Creek Special Improvements.

Second.

I Have A Motion By Commissioner Janes And Seconded By Commissioner Judah? All Those In Favor Signify By Saying Aye. That Carries.

County Manager Items.

I Want To Say Happy New Year To You All And All Of The Staff And The County Manager's Office Will Have A Blog Which Will Be Active By The End Of The Week.

Chairwoman Hall: Thank You.

Comm. Judah: Is This A New Thermostat Setting That Was Set Here Or Are We Going To Do Something About -- Chairwoman Hall: We Will Give You The Heater.

Comm. Judah: Okay.

We Will Fight Global Warming.

Chairwoman Hall: Yes.

County Attorney? Okay.

With Nothing Else To Come Before The Board.

We're Adjourned.

Have A Great Week.